

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)
)
v.)
STEPHEN ARDIS,)
)

No. 3:05-CR-142
(Phillips)

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion to reduce sentence pursuant to 18 U.S.C. § 3582(c) and Sentencing Guidelines Amendment 750. Defendant pled guilty to conspiracy to distribute and possess with intent to distribute cocaine hydrochloride, cocaine base, marijuana, and ecstasy. In addition, defendant pled guilty to conspiracy to commit money laundering. Defendant's total offense level was calculated to be 39 and his criminal history category was III, resulting in a Guidelines range of 324-405 months imprisonment. Based on the government's motion for a downward departure due to defendant's substantial assistance, the court sentenced defendant to 244 months imprisonment on July 6, 2006 [Doc. 80].

In February 2009, defendant moved for a sentence reduction pursuant to 18 U.S.C. § 3582(c) and Guidelines Amendment 715. The government agreed that defendant was eligible for a sentence reduction under § 3582(c) and recommended a further reduction

based on defendant's assistance and Rule 35. The government suggested a sentence 40% below the amended Guidelines range. The court granted the defendant's and the government's motions for a reduction in sentence and reduced defendant's sentence to 157 months imprisonment [Doc. 139].

The government has responded to the instant motion, noting that defendant appears to be eligible for a further sentence reduction under Sentencing Guidelines Amendment 750. The amendment has the effect of lowering defendant's offense level to 35, which, combined with his criminal history category of III, results in an amended Guidelines range of 210-262 months imprisonment. Application of a comparable 40% reduction from the revised Guidelines range for substantial assistance yields a sentence of 126 months imprisonment.

It is hereby **ORDERED** that the defendant's motion [Doc. 147] is **GRANTED**, and the defendant's sentence is reduced to 126 months. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment [Doc. 80] shall remain as previously ordered by the court.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge